

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR WIRE FRAUD AND
THEFT OF GOVERNMENT FUNDS

FELONY

UNITED STATES OF AMERICA

v.

BARBARA SIMMONS DOWL
a/k/a Barbara Simmons
a/k/a Barbara Lee Dowl
a/k/a Barbara Dowl

* CRIMINAL DOCKET NO.

* SECTION:

* VIOLATION: 18 U.S.C. § 641
18 U.S.C. § 1343

* * *

The Grand Jury charges that:

COUNT 1 - WIRE FRAUD

A. AT ALL TIMES MATERIAL HEREIN:

1. On or about March 6, 1991, the defendant, **BARBARA SIMMONS DOWL**, and her husband purchased the immovable property bearing the municipal address of 8633 Zimple Street, New Orleans, Louisiana, 70118.

2. From 1997 to 2004, the immovable property bearing the municipal address of 8633 Zimple Street, New Orleans, Louisiana, was adjudicated and possessed by the City of New Orleans for non-payment of taxes.

3. Pursuant to Louisiana law, on or about July 6, 2004, the City of New Orleans sold the immovable property bearing the municipal address of 8633 Zimple Street, New Orleans, Louisiana to Robinson Ventures, L.L.C., represented by Michelle Robinson.

4. On August 29, 2005, Hurricane Katrina made landfall in Louisiana causing widespread damage to the City of New Orleans.

5. On or about April 25, 2006, a quit-claim deed was executed by **BARBARA SIMMONS DOWL** and recorded in the property records of the City of New Orleans. Said quit-claim deed stated that the City of New Orleans did sell, donate and transfer the immovable property bearing the municipal address of 8633 Zimple Street, New Orleans, Louisiana, to **BARBARA SIMMONS DOWL**.

6. On or about April 25, 2006, neither the City of New Orleans nor Robinson Ventures, L.L.C. authorized, agreed to, sold, donated, or transferred ownership of the immovable property bearing the municipal address of 8633 Zimple Street, New Orleans, Louisiana to the defendant, even though said quit-claim deed stated otherwise.

7. Pursuant to an act of the Congress of the United States of America with the concurrence and agreement of the President of the United States, funds were appropriated to the Department of Housing and Urban Development for a Community Development Block Grant (CDBG) for Louisiana hurricane victims. The purpose of this "CDBG" was to assist and aid owners of the property damaged or destroyed by Hurricane Katrina on August 29, 2005. The grant money was disbursed under a program known as the Louisiana Road Home Program (Program). The United States Department of Housing and Urban Development prepared the rules and regulations governing the disbursement of grant money throughout the State of Louisiana. The State of Louisiana through

the Office of Community Development (OCD), Division of Administration, contracted with ICF International, Inc. to administer the Louisiana Road Home Program.

8. Two of the major requirements for receiving grant money from the Louisiana Road Home Program was the applicant must have been the owner of the damaged property on August 29, 2005, and the property was the primary residence of the applicant on August 29, 2005.

B. THE SCHEME TO DEFRAUD THE LOUISIANA ROAD HOME PROGRAM AND THE UNITED STATES

9. From on or about October 8, 2006, to on or about May 16, 2007, the defendant, **BARBARA SIMMONS DOWL**, submitted a false and fraudulent application to the Louisiana Road Home Program to obtain United States Department of Housing and Urban Development Community Block Grant funds and did receive \$132,000.00 in grant money even though she was not the owner of 8633 Zimple Street, New Orleans, Louisiana, 70118, on August 29, 2005, and it was not her primary residence on August 29, 2005.

10. It was part of the scheme and artifice to defraud that between October, 2006 and May, 2007, the defendant verbally, in writing, and by personal appearance in the Eastern District of Louisiana and elsewhere, falsely and fraudulently represented to officials and agents of the Louisiana Road Home Program she was the owner of 8633 Zimple Street, New Orleans, Louisiana, and said address was her primary residence on August 29, 2005, and furthermore, the information in her application and other Louisiana Road Home Program documents was true and correct when she knew said verbal and written representations were false and fraudulent.

11. It was further part of the scheme and artifice to defraud that on or about April 27, 2007, the defendant, **BARBARA SIMMONS DOWL**, did personally appear at the closing of her

Louisiana Road Home Grant in the Eastern District of Louisiana where she continued to falsify and fraudulently represent that she owned 8633 Zimple Street, New Orleans, Louisiana, and it was her primary residence on August 29, 2005.

C. THE OFFENSE OF WIRE FRAUD

12. On or about May 16, 2007, in the Eastern District of Louisiana and elsewhere, the defendant, **BARBARA SIMMONS DOWL**, for the purpose of executing and attempt to execute the scheme and artifice to defraud, did knowingly and wilfully cause to be transmitted in interstate commerce certain writings, signs, signals and sounds by means of a wire communication from the Eastern District of Louisiana to Denver, Colorado; specifically from the First American Title Co., agent for the Louisiana Road Home Program in New Orleans, Louisiana to the Small Business Administration - Denver Financial Center, Denver, Colorado; that was a wire transfer of \$46,000.00 of Louisiana Road Home Grant Funds for which she knew she was not entitled, to partially pay off a Small Business Administration loan in the name of the defendant; all in violation of Title 18, United States Code, Section 1343.

COUNT 2 - THEFT OF GOVERNMENT FUNDS

13. All of the allegations in Paragraphs Nos. 1-8 are re-alleged and incorporated herein as if stated in their entirety.

14. On or about May 9, 2007, in the Eastern District of Louisiana, the defendant, **BARBARA SIMMONS DOWL**, did willfully and knowingly steal, purloin and convert to her own use, funds and money in the amount of \$85,930.00 belonging to the United States by falsely and fraudulently receiving a check in the amount of \$85,930.00 as partial payment of her Department of Housing and Urban Development Block Grant from the Louisiana Road Home

Program for which she knew she was not entitled; all in violation of Title 18, United States Code, Section 641.

NOTICE OF FORFEITURE

1. The allegations of Counts 1 and 2 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 641, 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

2. As a result of the offenses alleged in Counts 1 and 2, defendant, **BARBARA SIMMONS DOWL**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461, any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Sections 641 and 1343.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

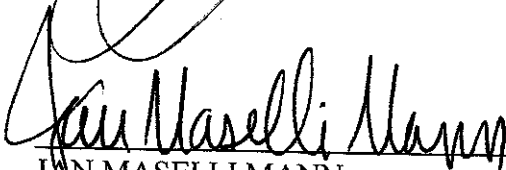
All in violation of Title 18, United States Code, Sections 641, 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

A TRUE BILL:

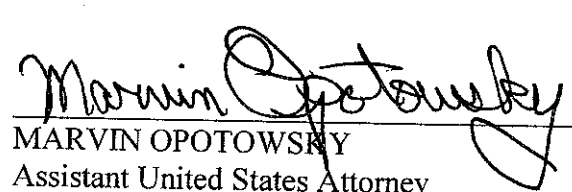
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New Orleans, LA
June 13, 2008